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*Counsel of Record for Movants
Express Scripts, Inc. & Accredo Health Group, Inc.*

JOHNSON & JOHNSON HEALTH CARE
SYSTEMS, INC.,

Plaintiff,

– vs –

SAVE ON SP LLC,

Defendant.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Civil No. 22-2632 (JKS) (CLW)

**DECLARATION OF MARK BERMAN
IN SUPPORT OF MOTION TO INTERVENE**

I, Mark A. Berman, Esq., being of sound mind and due age, declare as follows:

1. I have personal knowledge of the matters addressed in this declaration.
2. I am a partner at the law firm of Hartmann Doherty Rosa Berman & Bulbulia LLP and admitted to practice in the District of New Jersey.
3. This declaration is submitted in support of Movants Express Scripts, Inc. and Accredo Health Group, Inc.’s Motion to Intervene.
4. Attached as Exhibit A is a true and correct copy of a June 15, 2017, email from Jeffrey S. Gardner at Express Scripts to Ray Macknowski at Johnson & Johnson (“J&J”).

5. Attached as Exhibit B is a true and correct copy of an August 30, 2017 PowerPoint Presentation entitled, “Your Collaborative Planning Guide.”

6. Attached as Exhibit C is a true and correct copy of a February 6, 2018, email from Cristina L. McCarthy at Express Scripts to Ray Macknowski at J&J.

7. Attached as Exhibit D is a true and correct copy of the December 6, 2021 transcript of the SaveOn IPBC Video Training provided by JJHCS as an exhibit to its Motion to Compel directed at Express Scripts in the Eastern District of Missouri on May 22, 2023.

8. Attached as Exhibit E is a true and correct copy of the February 23, 2024 letter from JJHCS’s counsel, Harry Sandick, to Accredo’s counsel, Andrew Solinger, seeking an additional custodian.

9. Attached as Exhibit F is a true and correct copy of the March 8, 2024 letter from Accredo’s counsel, Jeremy Sternberg, to JJHCS’s counsel, Harry Sandick seeking to meet and confer regarding cost-shifting under Federal Rule of Civil Procedure 45.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 8, 2024

/s/ Mark A. Berman
Mark A. Berman